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SENATE BILL 64

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO COURTS; ALLOWING COLLECTION OF FEES AND COSTS BY A
MAGISTRATE ACTING IN ANOTHER MAGISTRATE DISTRICT BY
DESIGNATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 35-3-6 NMSA 1978 (being Laws 1968,
Chapter 62, Section 51, as amended) is amended to read:

"35-3-6. JURISDICTION--TERRITORIAL LIMITS.--

A. The territorial jurisdiction of a magistrate is
coextensive with the magistrate district in which ~~he~~ the
magistrate serves. A magistrate also has jurisdiction in any
criminal action involving violation of a law relating to motor
vehicles arising in ~~any~~ a magistrate district adjoining at
any point that in which ~~he~~ the magistrate serves and within
magistrate trial jurisdiction; provided that the defendant is

underscoring material = new
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1 entitled to a change of venue to the district where the cause
2 of action arose if [~~he~~] the defendant so moves at, or within
3 fifteen days after, arraignment.

4 B. A magistrate has jurisdiction to sit in any
5 action arising in any other magistrate district when designated
6 for a specific period of time by [~~any~~] a district judge because
7 of the unavailability of a magistrate in that magistrate
8 district. [~~Any~~] A magistrate acting in another magistrate
9 district by designation [~~under~~] pursuant to this subsection
10 shall include the cases heard by designation in [~~his~~] the
11 magistrate's own reports to the administrative office of the
12 courts, indicating on the reports that [~~his~~] the magistrate's
13 jurisdiction is by designation. [~~No costs or fees shall be~~
14 ~~collected by any court for any filing or proceeding under this~~
15 ~~subsection.~~]

16 C. In [~~any~~] a criminal action in which a magistrate
17 has territorial jurisdiction over the offense pursuant to this
18 section, the magistrate court has personal jurisdiction over
19 the defendant for the purpose of service of process upon the
20 defendant wherever [~~he~~] the defendant resides or may be found
21 within the state.

22 D. In [~~any~~] a civil action arising within the
23 magistrate's territorial jurisdiction, the magistrate court has
24 personal jurisdiction over the defendant for the purpose of
25 service of process upon the defendant wherever [~~he~~] the

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underscored material = new
[~~bracketed material~~] = delete

1 defendant resides or may be found within the state.

2 E. The territorial limitations of magistrate court
3 jurisdiction shall not apply to actions to enforce judgments
4 entered in the magistrate district and writs issued in aid of
5 those actions."